

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RUDOLPH PERRY,

Petitioner,

Case No. C05-5301RJB

V.

**PIERCE COUNTY SUPERIOR
COURT.**

ORDER ADOPTING REPORT AND RECOMMENDATION

Respondent.

The Court having reviewed the Report and Recommendation of the Hon. Karen L. Strombom, United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
 - (2) The petition is **DISMISSED WITHOUT PREJUDICE**. The issues raised are unexhausted as petitioner is currently in the state court of appeals with a personal restraint petition.
 - (3) The clerk is directed to send copies of this Order to petitioner, counsel for respondent, and to the Hon. Karen L. Strombom.

DATED this 25th day of July, 2005.


Robert J. Bryan
United States District Judge